

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Offense charged:

Conspiracy to Commit Bank Fraud; Bank Fraud

Date of Detention Hearing: December 9, 2004

17 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
18 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
19 that no condition or combination of conditions which defendant can meet will reasonably assure
20 the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) The defendant, together with eight co-defendants, has been indicted for bank fraud

01 and conspiracy to commit bank fraud.

02 (2) Ms. Gutierrez has a criminal history that includes attempted felony VUCSA,
03 shoplifting, identity theft, hit and run of an attended vehicle, making false statements, and a
04 pending felony controlled substance charge in Cowlitz County. According to criminal records,
05 she is associated with two alias birth dates, and an alias name. According to the Department of
06 Corrections, the defendant was previously on supervision for three different causes, each of which
07 was terminated unsuccessfully due to non-compliance. She failed to appear in court on several
08 occasions.

09 (3) The defendant has no relatives living in the state of Washington. She has received
10 treatment for mental health issues. Her history includes substance abuse, with relapse in
11 November 2004, and use of prescription pain pills without a doctor's authorization.

12 (4) The defendant presents a risk of nonappearance based on her lack of ties to this
13 District, her self-reported history of untreated drug abuse, potential access to fraudulent
14 identification and non-compliance with Doc supervision. She represents a risk of danger based
15 on her illegal drug use, her criminal history and the nature of the instant offense.

16 (5) There does not appear to be any condition or combination of conditions that will
17 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
18 to other persons or the community.

19 It is therefore ORDERED:

20 (1) Defendant shall be detained pending trial and committed to the custody of the
21 Attorney General for confinement in a correction facility separate, to the extent
22 practicable, from persons awaiting or serving sentences or being held in custody

01 pending appeal;

02 (2) Defendant shall be afforded reasonable opportunity for private consultation with
03 counsel;

04 (3) On order of a court of the United States or on request of an attorney for the
05 Government, the person in charge of the corrections facility in which defendant is
06 confined shall deliver the defendant to a United States Marshal for the purpose of
07 an appearance in connection with a court proceeding; and

08 (4) The clerk shall direct copies of this Order to counsel for the United States, to
09 counsel for the defendant, to the United States Marshal, and to the United States
10 Pretrial Services Officer.

11 DATED this 20th day of December, 2005.

12 
13 Mary Alice Theiler
14 United States Magistrate Judge